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Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts

Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts

Report of the Secretary-General

Summary

The present report is submitted pursuant to paragraph 13 of General Assembly resolution 67/93. Eight Member States and the International Committee of the Red Cross transmitted to the Secretary-General the information requested by the Assembly in that resolution. A list of States parties to the Additional Protocols of 1977 is contained in the annex.

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I. Introduction

1. In paragraph 13 of resolution 67/93, the General Assembly requested the Secretary-General to submit to it at its sixty-ninth session a report on the status of the Additional Protocols relating to the protection of victims of armed conflicts and on measures taken to strengthen the existing body of international humanitarian law, inter alia, with respect to its dissemination and full implementation at the national level, based on information received from Member States and the International Committee of the Red Cross (ICRC).

2. Pursuant to that request, the Secretary-General, by notes verbales dated 4 January 2013 and 5 March 2014 and letters dated 21 December 2012 and 4 March 2014, invited Member States and ICRC to transmit to him by 1 June 2014 the information requested for inclusion in the present report.

3. Replies have been received from the following States: Austria, Denmark, El Salvador, Lebanon, Lithuania, Poland, Qatar and Switzerland, as well as from ICRC. Summaries of the replies are contained in sections II and III of the present report. The full texts of the replies are available on the website of the Sixth Committee of the General Assembly (www.un.org/ga/sixth).

4. The list of all States that are parties to the Additional Protocols[1] of 1977 to the Geneva Conventions of 1949[2] as at 2 June 2014 is contained in the annex to the present report.

II. Information received from Member States

Austria

[Original: English]
[16 May 2014]

On 21 November 2012, the Austrian Federal Ministry for European and International Affairs, together with the Austrian national committee, organized a seminar on the theme of "Nuclear Weapons — The Sword of Damocles: The Humanitarian Dimension of Nuclear Disarmament".

On 6 December 2013, the Austrian Federal Ministry for European and International Affairs, together with the national committee, organized a seminar on the legal challenges of the use of unmanned aerial vehicles (drones) for civilian and military purposes.

In January 2014, the possibility of the issuing of identification cards for journalists was introduced in Austrian legislation in implementation of article 79, paragraph 3, of Additional Protocol I. Austria actively participates in the initiative of Switzerland and the International Committee of the Red Cross on the strengthening of international humanitarian law implementation mechanisms based on resolution 1 of the International Red Cross and Red Crescent Conference in 2011.

[1] United Nations, *Treaty Series*, vol. 1125, Nos. 17512 and 17513.
[2] Ibid., vol. 75, Nos. 970-973.

On 21 and 22 February 2014, in Vienna, Austria co-hosted with Norway a regional workshop for Europe on reclaiming the protection of civilians under international humanitarian law.

At the 2012 session of the Preparatory Committee for the 2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, Austria co-authored a joint statement on the humanitarian consequences of nuclear weapons.

Denmark

[Original: English]
[30 May 2014]

Denmark initiated the Copenhagen Process on the Handling of Detainees in International Military Operations on 11 October 2007 to develop principles to guide the implementation of existing obligations. The process was concluded on 19 October 2012 when representatives of 24 countries welcomed the Copenhagen Process Principles and Guidelines.

Denmark has initiated work on a military manual on the laws of armed conflicts applicable to Danish military forces participating in international operations. The purpose is to establish clear overall guidelines on how international humanitarian law and human rights should be implemented in the planning and execution of military operations. Symposiums will be held with the participation of the Danish Red Cross, the Danish Institute against Torture and the Danish Institute for Human Rights to qualify the work. The military manual is expected to be completed in 2016.

Denmark ratified the Convention on Cluster Munitions in 2010. Denmark's deadline for destroying national stockpiles is not until 2018 but, having decided to advance the destruction process, Denmark announced the disposal of the last Danish cluster bombs in March 2014.

From 2013 to 2015, Denmark is providing international humanitarian organizations with approximately €1.3 million to promote the universalization and implementation of the Convention on Cluster Munitions and the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction. Denmark has contributed €4 million to the work of the United Nations Mine Action Service in 2013 and 2014.

Denmark ratified the Arms Trade Treaty on 2 April 2014 and has pledged $1.1 million for the period 2013-2016 to the United Nations Trust Facility Supporting Cooperation on Arms Regulation to support the preparation for ratification and future implementation of the Arms Trade Treaty and, at the same time, to support the implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects.

El Salvador

[Original: Spanish]
[29 May 2014]

The activities of the State of El Salvador — conducted essentially through the Inter-Agency Committee on International Humanitarian Law of El Salvador — have focused on strengthening institutions and supporting the professionalization of the Ministry of Defence in matters relating to international humanitarian law, as well as its dissemination in different sectors of society.

In 2012, as part of an annual capacity-building programme, it organized 12 training days, attended by officers from the armed forces, students, legal professionals, human rights defenders, community leaders, school principals and the national civil police, among other participants. As a result, a total of 355 persons received training in international humanitarian law.

Furthermore, with the support of the United Nations Educational, Scientific and Cultural Organization (UNESCO), the project for phase III of dissemination, awareness-raising and identification of Salvadorian cultural property bearing the protective emblem of the 1954 Convention for the Protection of Cultural Property in the Event of Armed Conflict was set in motion.

At present, El Salvador has 53 cultural properties protected by the blue shield in accordance with the 1954 Convention and article 16 of the 1977 Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the protection of victims of non-international armed conflicts (Protocol II).

In 2013, the State of El Salvador provided some 34 training courses, including those relating to the project for phase III of identification. In that year, it was supported by the Ministry of Defence in providing large-scale training to military officers and non-commissioned officers on the topic of international humanitarian law, as well as in providing training for civil society. All in all, a total of 600 persons were trained through the various educational modules, which were similar in content to those offered in 2012.

With regard to compliance with the 2005 Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the adoption of an additional distinctive emblem (Protocol III), the Ministry of Defence is ensuring that the protective emblems are disseminated and studied in its military educational institutions.

At present, the army, air force and navy have units that perform medical functions, which are therefore the only units authorized to use the Red Cross protective emblem, including on vehicles, aircraft and ambulance ships. Such use is overseen by the military medical command.

A total of 12 training courses on the 1949 Geneva Conventions and their Additional Protocols are scheduled to be held in 2014 and will focus on secondary and tertiary educational establishments, as well as on continued support for professionalization of the armed forces. In the course of the year, the State of El Salvador plans to draw up a blueprint for safeguarding cultural property in the event of armed conflict and to finalize a draft law for reform of its penal code.

Lebanon

[Original: Arabic]
[9 May 2014]

The Ministry of Defence is committed to implementing all international conventions and instruments in its areas of competence that have been ratified by Lebanon. Lebanon ratified the Geneva Conventions of 1949 on 10 April 1951 and the Protocols Additional to the Geneva Conventions on 23 July 1997.

International humanitarian law is a basic component of the curricula of military schools and academies at all levels. Annual courses on the topic have been organized for officers, and conferences and seminars have been held for various military units.

On 2 December 2009, the Ministry of Defence established an Office of International Humanitarian Law and Human Rights. Its functions include examining all treaties and conventions signed by Lebanon concerning international humanitarian law and international human rights law and incorporating them into military law.

The Ministry maintains close contacts with ICRC, in particular by inviting it to give the opening statements at conferences and workshops on international humanitarian law and accepting invitations to attend all ICRC workshops or speak at its events.

The Ministry, through the army command, has circulated a poster of protective signs that are used in time of war and has organized training courses to explain them to all army units.

The Ministry gives lectures at secondary schools on the ethics of war and victims of armed conflict with a view to increasing awareness of international humanitarian law throughout the country.

The Ministry, in coordination with the army command, has also launched a course on international humanitarian law for university students in Lebanon and is in regular contact with college deans, university chancellors and students in order to foster respect for international humanitarian law and prepare new courses.

Lithuania

[Original: English]
[30 May 2014]

In accordance with article 138 of the Constitution, international treaties ratified by the Seimas (parliament) of Lithuania are constituent parts of the national legislation. Moreover, the law on treaties establishes the precedence of ratified international treaties over national laws in case of discrepancy. These provisions ensure the most favourable conditions for the implementation of international humanitarian law.

Lithuania is a State party to all major instruments of international humanitarian law, including the 1949 Geneva Conventions and the 1977 and 2005 Protocols Additional to the Conventions (ratified in 2000 and 2007, respectively).

Lithuania declared that it recognizes ipso facto and without special agreement the competence of the International Humanitarian Fact-Finding Commission according to article 90 of Additional Protocol I to the Geneva Conventions.

In 2011, at the meeting of the High Contracting Parties, the Lithuanian representative, Justinas Žilinskas, was elected member of the Commission.

The Ministry of National Defence is responsible for the coordination of the implementation of international humanitarian law.

The Commission on the Implementation of International Humanitarian Law was established in 2001 as an advisory body to the Minister of National Defence. It is an inter-ministerial coordinating body composed of representatives of the National Defence System, Ministry of Justice, Ministry of Foreign Affairs, Ministry of Health, Ministry of Culture, Ministry of Education and Science, Ministry of the Interior, European Law Department under the Ministry of Justice, Lithuanian Red Cross Society, Lithuanian National UNESCO Commission and leading universities.

Among the objectives of the Commission are to carry out an analysis of the situation regarding the implementation of international humanitarian law: joining the agreements, implementation of the provisions of these agreements, dissemination of international humanitarian law, teaching and investigation of violations and their prevention.

Lithuania recognizes and respects the basic rules enshrined in article 35 of Additional Protocol I and the general principle that, in any armed conflict, the right of the parties to the conflict to choose methods or means of warfare is not unlimited.

Lithuania is a State party to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effect as well as to all its Protocols and amended article 1. From 2006 to 2013, it chaired several meetings of the Convention and served as a coordinator for different programmes. Seeking to implement provisions of Protocol V to the Convention, a programme for the clearance and prevention of explosive remnants of war was approved by the Government in 2007 (and amended in 2013). Until the end of 2013, the Lithuanian armed forces explosive ordnance disposal platoon checked and cleaned over 252 ha of polluted territories and found over 11,300 pieces of different explosive ordnance.

Lithuania is a State party to the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction. From 2005 to 2011, it served several times as a co-rapporteur and as a Co-Chair of the Standing Committee on Stockpile Destruction. Lithuania destroyed its anti-personnel mines in 2004.

The Republic of Lithuania signed the Convention on Cluster Munitions on 3 December 2008. The Convention entered into force for Lithuania on 1 September 2011.

In 2007, the Parliament of Lithuania ratified Additional Protocol III to the Geneva Conventions. Subsequently, all necessary amendments of related national legislation were adopted in order to implement that Protocol.

In 2011, the criminal code of the Republic was amended in order to delimit and distinguish between protected emblems relating to international humanitarian

law and other universally recognized emblems and names that may be of a commercial or industrial purpose.

In addition, practical measures to protect the emblems are taken by the Lithuanian Red Cross Society. During 2012-2013, four violators were issued warnings in relation to the illegal use of the Red Cross emblem. All these cases were solved by peaceful agreements without taking legal action. The Lithuanian Red Cross Society also continues to spread information about the functions and proper use of the distinctive signs.

Lithuania is a State party to the 1954 Convention for the Protection of Cultural Property in the Event of Armed Conflict and its Protocols. From 2005 till 2011, Lithuania was a member of the Committee for the Protection of Cultural Property in the Event of Armed Conflict. On the initiative of the Commission on the Implementation of International Humanitarian Law, a position of chief specialist for the protection of cultural heritage was created in 2004 in the Armed Forces of Lithuania.

In December 2011, enhanced protection was granted to the Kernavė archaeological site in Lithuania.

Seeking to implement article 82 of Protocol I to the Geneva Conventions, the national concept of military legal advisers was approved in 2006 by order of the Minister of National Defence. It determines the status of legal advisers in the armed forces and functions, liability and rotations in military operations and training issues.

The Commission collects information on education and advises on the inclusion of subjects related to international humanitarian law in educational programmes. The subject is included in education programmes of all levels of military personnel, as well as in the educational curricula of police personnel, secondary schools, etc.

Lithuania takes part in the process of standardization of training on the law of armed conflict for military personnel of the North Atlantic Treaty Organization (NATO) member countries and it ratified and implemented the relevant agreement in 2013. Lithuania also sends its military and civil personnel to international courses on international humanitarian law.

International humanitarian law is provided as both compulsory and optional courses in law faculties of the leading universities as well as in the Institute of International Relations and Political Science.

The Commission has its website page within the website of the Ministry of National Defence (www.kam.lt) where it publishes information about the Commission's activities and also texts (in Lithuanian) of all the international humanitarian law treaties to which Lithuania is a party. Moreover, various issues concerning international cooperation in this field are presented and described.

In 2010, a handbook for commanders on principles and rules of international humanitarian law was published.

The Lithuanian Red Cross Society is actively involved in the dissemination of international humanitarian law among the local population. During 2012 and 2013, over 650 lectures and seminars on various issues related to international

humanitarian law as well as principles and values of the Red Cross were organized in universities, colleges, schools, hospitals and other institutions. To mark the 150th anniversary of the Red Cross Movement, the Society introduced to the public a book about Lithuanian Red Cross activities from the Society's establishment in 1919 to 1989.

The Lithuanian criminal code, administrative offence code and statute on military discipline provide for criminal, administrative or disciplinary liability, respectively, for the breach of international humanitarian law.

The implementation of the Rome Statute of the International Criminal Court was completed after the ratification of the Statute in 2003 and of the Agreement on the Privileges and Immunities of the International Criminal Court in 2004.

In 2011, the criminal code of the Republic of Lithuania was amended to harmonize it with the Rome Statute and the Geneva Conventions and Protocols. In 2014, it was amended to harmonize it with the United Nations International Convention for the Protection of All Persons from Enforced Disappearance signed on 6 February 2007 in Paris.

Poland

[Original: English]
[30 May 2014]

The contents of the Geneva Conventions, the Hague Conventions and Protocols Additional to these Conventions are disseminated in the armed forces of the Republic of Poland.

International humanitarian law education in the armed forces is based on decision No. 184/MON of the Minister of National Defence of 13 June 2012 on the organization of the education and training system concerning the law of armed conflict in the national defence department. This system applies to all soldiers and employees of the Ministry of National Defence.

A system of education and training in international humanitarian law is currently being created that will provide for training within five subsystems, namely:

- Training of legal advisers
- Education in training centres
- Training for commanders and staff at the level of battalion and higher
- Training for military elements
- Education of personnel reserves

The training also includes the principles of liability for the breach of international humanitarian law standards.

The topics are presented during classes, which take the form of lectures, seminars and knowledge tests. Education in international humanitarian law is implemented in training centres and training schools for non-commissioned officers, mainly during the preparation of soldiers (non-commissioned officers and regular privates) to take up new positions. Training in international humanitarian law also

covers commanders and staff at all levels of command and organizational units of the Ministry of National Defence, which practise the implementation of international humanitarian law during exercises or staff training.

The main purposes of education include:

- To provide the staff and employees of the army with the necessary knowledge of international humanitarian law required in the execution of military tasks
- To raise awareness of criminal liability for the infringement of international humanitarian law
- To provide soldiers and employees of the Ministry of National Defence with skills necessary for the proper application of international humanitarian law and relevant response
- To prepare commanders to solve problems concerning proper observance of international humanitarian law and the constraints resulting from it, as well as precautions while planning, preparing and conducting operations

The dissemination of international humanitarian law, in turn, is executed in the armed forces of Poland within civic education, in accordance with the methodology of soldier training as part of civic training and prevention and military discipline.

In order to ensure proper protection of cultural property in the operations of the armed forces, guidelines regarding the protection of military real estate of historical value contained in a document prepared by the Infrastructure Department of the Ministry of National Defence are implemented. They include detailed measures for the protection of cultural property and competencies of persons holding managerial positions in the Ministry of National Defence and administrators being permanently in charge of military real estate of historical value.

The organizational structure of the Ministry of National Defence includes a representative responsible for the dissemination of international humanitarian law in the armed forces, who is also involved in the protection of cultural property and the Red Cross emblem. The Ministry of National Defence is also represented in the Armed Conflict Law Dissemination Team and the Protection of the Red Cross Emblem Team, operating under the main management board of the Polish Red Cross, as well as in the programme board for the protection of cultural property in the event of specific hazards, which reports to the Chief Commandant of the State Fire Service.

International humanitarian law issues are also included in the legal training as part of the basic training programme for the armed forces of the Republic of Poland and in the tactical training, supplementary training and different forms of operational training.

In addition, specialist courses and training sessions are organized in the field of the law of armed conflict.

A series of training sessions in the field of international humanitarian law are held as part of civic education with the staff of units and central institutions of the Ministry of National Defence and with the Orlik Polish military contingent and NATO Response Force. Additionally, since 2012, the Military Centre for Civic Education has run an e-learning course in the field of international humanitarian law. In cooperation with the National Defence University, the Military Centre for

Civic Education has opened postgraduate studies in the area of international humanitarian law. At the same time, the Department for Education and Promotion of Defence Policy of the Ministry of National Defence prepared training materials for the participants of military missions outside the borders of Poland.

In addition, the Director of the Education and Promotion of Defence Policy Department participates in meetings of the advisory committee, which is an auxiliary body of the Council of Ministers for the coordination of measures for the protection of historical sites and monuments in the event of an armed conflict.

The Ministry of National Defence has also initiated work on the development of legal grounds enabling the treatment within the Polish health-care system of people accidentally injured as a result of operations of Polish soldiers in areas of conflict. The Military Health Service Inspectorate is preparing a draft ordinance of the Council of Ministers enabling the allocation of funds for this purpose (co-financing of the treatment of the injured parties).

Qatar

[Original: Arabic]
[6 May 2014]

The State of Qatar is a party to the majority of key humanitarian law instruments and other relevant conventions, including the four Geneva Conventions of 1949, which relate to the protection of victims of international conflicts, and the 1977 Protocols Additional to the Geneva Conventions. Qatar also supports the International Humanitarian Fact-Finding Commission, established pursuant to Additional Protocol I, article 90.

ICRC has repeatedly emphasized in international forums, and particularly at the international conferences of the Red Cross and Red Crescent, that certain dangerous trends challenge the application of international humanitarian law.

Qatar believes that non-compliance with international humanitarian law has given rise to actions that have harmed civilians and caused their forced movement, destroyed infrastructure that is critical to preserving civilian lives and led to the use of starvation and blockades to achieve military gains on the ground. In turn, this has complicated armed conflicts and efforts to achieve enduring peace agreements.

The Conventions must be respected in all international and non-international armed conflicts and applied without double standards. However, the main obstacle continues to be States' lack of political will to shoulder their responsibility to prevent violations of international humanitarian law and to refrain from helping and encouraging other States to commit internationally unlawful acts. Such a position has encouraged certain parties to commit war crimes and crimes against humanity because they are convinced that the international community is unable to bring them to justice. Indeed, those parties have found ingenious ways to use internationally prohibited weapons, including poison gas, and they continue to do as they please with utter disregard for international humanitarian law.

International humanitarian law should now be updated, taking into account the new reality of warfare, and all States, large and small, must abide by it. All parties to international humanitarian law instruments must put into effect the action plan for the implementation of international humanitarian law adopted by the thirty-first

International Conference of the Red Cross and Red Crescent. They must also affirm their support for Additional Protocol I, article 90, which established the Commission, in order to promote its universality.

Switzerland

[Original: French]
[30 May 2014]

Switzerland is a party to all three Protocols Additional to the Geneva Conventions. As the depositary of the Geneva Conventions and the Protocols Additional thereto, Switzerland takes every opportunity at bilateral meetings to encourage States that have not yet done so to ratify the Additional Protocols, as well as the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.

Following the thirty-first International Conference of the Red Cross and Red Crescent, held in late 2011, Switzerland and the International Committee of the Red Cross (ICRC) launched a joint initiative to strengthen compliance with international humanitarian law. The initiative's purpose is to engage States and other relevant stakeholders in exploring ways to strengthen compliance with international humanitarian law. At the second meeting organized under this initiative, held in June 2013, States expressed strong support for the establishment of a forum for regular dialogue on international humanitarian law and the further discussion of effective compliance mechanisms. The third meeting will be held on 30 June and 1 July 2014.

Switzerland signed the Convention on Cluster Munitions on 3 December 2008, in Oslo, and ratified it on 17 July 2012. The Convention entered into force for Switzerland on 1 January 2013. In the discussions at the Fourth Meeting of States Parties to the Convention, participants supported a proposal to establish the Convention secretariat at the Geneva International Centre for Humanitarian Demining. A final decision on the matter will be taken at the 2015 Review Conference.

At the national level, a German company has been engaged, following a public bidding process, to eliminate Switzerland's stockpile of cluster munitions ("cargo projectiles"). Destruction operations have already begun and will be completed within eight years, in accordance with the Convention.

Switzerland actively supports the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction. It supported the Twelfth Meeting of States Parties to that Convention, held in Geneva in December 2012, in particular by serving as Secretary-General of the Meeting. In addition to subsidizing the Geneva International Centre for Humanitarian Demining and providing 0.5 million Swiss francs to the Ottawa Convention secretariat, Switzerland has devoted some 1 million Swiss francs to demining activities, support for meetings of States parties and global projects in support of the relevant conventions.

As it does every year, Switzerland hosted the spring technical meetings on the Ottawa Convention; as it does every two years, it hosted the Meeting of States Parties, which took place in Geneva in December 2013. At that meeting Switzerland discharged the very important function of Secretary-General of the Meeting. It is

actively involved in the preparations for the Ottawa Convention Review Conference to be held in Maputo in June 2014, which will be a valuable opportunity for effectively expediting the treaty's implementation and ensuring strong, sustained international support.

In line with its humanitarian principles, Switzerland has continued to support the non-governmental organization Geneva Call, which engages non-State armed groups in several countries, including the Syrian Arab Republic, on compliance with Ottawa Convention norms. In 2013, the Sudan People's Liberation Movement-North, a major group operating in the Sudan, signed a "Deed of Commitment" to stop using anti-personnel mines and to eliminate them in its areas of operation.

Switzerland actively promotes international criminal justice, in part by supporting the International Criminal Court. Switzerland's Ambassador to the Netherlands is one of the two Vice-Presidents of the Assembly of States Parties to the Rome Statute of the International Criminal Court; the Permanent Representative of Switzerland to the United Nations in New York heads that Assembly's Working Group on Amendments; and Switzerland is represented on its Bureau. As an active member of the Group of Friends of the International Criminal Court in both New York and The Hague, Switzerland has demonstrated a commitment to political involvement in this area. Accordingly, it was the driving force behind a 2012 ministerial declaration in support of the Court, which was adopted by the 24 countries participating in the informal ministerial network for the Court. With respect to the Syrian Arab Republic, Switzerland, supported by some 60 other States, drafted a letter requesting the United Nations Security Council to refer the matter to the Court. At the national level, in 2014 the Swiss Federal Assembly will be asked to approve the ratification of the Rome Statute amendments adopted in Kampala in 2010.

Apart from its involvement in the promotion of international criminal justice, Switzerland has broad expertise on ways of dealing with the past and preventing future atrocities. It thus advocates the criminal prosecution of violators of human rights and international humanitarian law, while supporting measures taken in the interest of victims, such as truth-seeking, reparations and measures to ensure non-recurrence (prevention of atrocities).

Five years after the adoption of the Montreux Document on pertinent international legal obligations and good practices for States, Switzerland and ICRC, in cooperation with the Geneva Centre for the Democratic Control of Armed Forces, held a conference known as "Montreux+5" from 11 to 13 December 2013. It was agreed at that event that priority should now be given to States' and international organizations' compliance with their obligations in relation to private military and security companies. The participants also stressed the need for ongoing dialogue between States and international organizations that support the Montreux Document. Discussions are under way on the establishment of a Montreux Document Forum, possibly in late 2014 or early 2015.

As of May 2014, 50 States and 3 international organizations had expressed support for the Montreux Document (www.eda.admin.ch/eda/en/home/topics/intla/humlaw/pse/parsta.html).

The International Code of Conduct for Private Security Service Providers' Association was established on 20 September 2013 at the first meeting of its

General Assembly, held in Geneva, and serves as the governance and oversight mechanism for the Code. The charter for the oversight mechanism had been successfully negotiated at a conference held in Montreux from 19 to 22 February 2013, and took the form of articles of association. Thus far (as of 26 May 2013), 708 service providers based in 55 countries have signed the Code.

Switzerland is in the process of revising two complementary instruments on humanitarian access, new versions of which should be ready for publication in September 2014. The instruments consist of a legal handbook intended to clarify legal issues related to humanitarian access in situations of armed conflict and a practical handbook for field personnel that presents methodologies, tools and practical advice aimed at proposing more effective operational responses for expeditious, unhindered and sustained humanitarian access.

In 2009, the Swiss Federal Council established the Interdepartmental Committee on International Humanitarian Law[3] in response to a recommendation of the International Red Cross and Red Crescent Movement. In 2014, the Committee organized a course on international humanitarian law for staff of the federal Administration.

Switzerland supports and encourages the work of the International Humanitarian Fact-Finding Commission by providing it with secretariat services. In February 2013, Switzerland held a briefing, to which all States were invited, to explain the Commission's purpose and operations. The Commission secretariat has sent a letter encouraging all States that have not yet done so to accept the Commission's competence. At the sixty-seventh session of the United Nations General Assembly, in 2012, during the Sixth Committee's discussions on the status of the Protocols Additional to the Geneva Conventions relating to the protection of victims of armed conflicts, Switzerland encouraged the States parties to Additional Protocol I that had not yet done so to accept the Commission's competence, recalling that they could signify such acceptance simply by depositing a declaration to that effect with the depositary.

Switzerland has reviewed its strategy for the protection of civilians in armed conflicts, as such a review was necessary in order to take new developments and experiences into account. Another aim of the review was to extend it to the other two departments most closely involved in the country's actions to protect civilians in armed conflicts: the Department of Defence, Civil Protection and Sport and the Federal Department of Justice and Police. The main goal of this strategy is to ensure coherence and efficiency in Switzerland's activities, particularly through priority-setting. It thus focuses not on launching new initiatives, but on making coherent use of existing instruments. Moreover, by means of this strategy, Switzerland ensures that the normative framework on the protection of civilians in armed conflicts is clarified, strengthened and disseminated.

[3] The Interdepartmental Committee is a mechanism for the sharing of experiences and information on international humanitarian law within the federal Administration and for ensuring compliance with such law in Switzerland. It coordinates the activities of the various federal authorities and maintains close ties with the scientific community, civil society and other organizations working in the international humanitarian law field, including the International Committee of the Red Cross.

III. Information received from international organizations

International Committee of the Red Cross

[Original: English]
[1 June 2014]

Initiatives taken by ICRC to reaffirm, clarify and strengthen international humanitarian law

Among the eight resolutions adopted during the 31st International Conference of the Red Cross and Red Crescent (Geneva, November-December 2011), three related to international humanitarian law issues: resolutions 1, 2 and 5.

Resolution 1 on strengthening legal protection for victims of armed conflicts confirmed the need to strengthen international humanitarian law in two areas: (1) the protection of persons deprived of their liberty in non-international armed conflict; and (2) the mechanisms for monitoring compliance with international humanitarian law. In the resolution, the Conference invited ICRC, in cooperation with States, to pursue research and consultation and propose options for strengthening the law in both areas. ICRC held four regional consultations (November 2012 to April 2013) with States on ways to address the weaknesses in international humanitarian law governing detention in non-international armed conflicts. In response to the feedback received, ICRC continued the process with two additional thematic consultations. The first focused on conditions of detention and particularly vulnerable detainees (Geneva, January 2014) and the second will address grounds and procedures for internment and transfers of detainees (October 2014). On the second track related to strengthening compliance with international humanitarian law, ICRC, jointly with the Government of Switzerland, has facilitated multilateral consultations to review existing international humanitarian law compliance mechanisms and examine options for creating more effective mechanisms. Two meetings of States (July 2012 and June 2013) were held, along with four preparatory meetings, to discuss the framing of a possible new international humanitarian law compliance system, including by creating a forum for regular dialogue between States on current international humanitarian law issues. The third all-States meeting will be held from 30 June to 1 July 2014.

ICRC has undertaken numerous initiatives to implement resolution 2 on the four-year action plan for the implementation of international humanitarian law in five areas: (1) access by civilian populations to humanitarian assistance in armed conflicts; (2) protection of children, women and persons with disabilities; (3) protection of journalists; (4) incorporation and repression of serious international humanitarian law violations; and (5) arms transfers. In particular, it has promoted and undertaken negotiations, along with States and other stakeholders, for the adoption of the Arms Trade Treaty. ICRC has also maintained continuous communication with States and National Societies to ensure the implementation of the pledges they made regarding the action plan, and will prepare a report on progress made on the implementation of the action plan.

The ICRC Advisory Service on international humanitarian law organized an expert workshop on domestic normative frameworks for the protection of health care (Brussels, January 2014), which gathered more than 40 participants from all regions of the world, including from international organizations and associations. In

2014, the Advisory Service will produce a report of the workshop as well as a guiding tool for national implementation of the legal framework protecting the provision of health care.

Both the ICRC study on customary international humanitarian law (2005) and its online, free-of-charge, customary international humanitarian law database are widely used as legal reference tools on international humanitarian law applicable in international and non-international armed conflicts by States, international organizations, national and international courts and tribunals, non-governmental organizations and academia. ICRC continues and has intensified its updates of State and international practice to its online customary international humanitarian law database.

ICRC and the International Red Cross and Red Crescent Movement have voiced their concern about the humanitarian impact of nuclear weapons and the consequences of their use for international humanitarian law. The Movement's views are outlined in a historic resolution adopted by the 2011 Council of Delegates, in which it concluded that it was difficult to envisage how the use of nuclear weapons could be consistent with international humanitarian law. In the resolution, the Council also appealed to States to begin negotiations to prohibit and eliminate nuclear weapons in accordance with their existing international commitments. In 2013, the Movement adopted a four-year action plan to help National Red Cross and Red Crescent Societies to engage on the nuclear weapons issue with their Governments. The Movement actively participated in the two intergovernmental conferences on the humanitarian impact of nuclear weapons (Oslo, March 2013, and Nayarit, Mexico, February 2014) and ICRC continues to communicate the Movement's concerns in other intergovernmental forums, including meetings of States parties to the Treaty on the Non-Proliferation of Nuclear Weapons and of the United Nations General Assembly.

The ICRC report entitled *The Use of Force in Armed Conflicts: Interplay between the Conduct of Hostilities and Law Enforcement Paradigms*, which provides a detailed account of the debates held during an expert meeting organized in Geneva by ICRC on the use of force in armed conflicts, was published in November 2013.

The publication of an article in the *International Review of the Red Cross* and active participation in governmental and expert conferences directly contributed to the promotion of international humanitarian law rules applicable to cyberwarfare. In March 2014, ICRC organized an expert meeting aimed at exploring the legal, technological, military and ethical aspects of the deployment of autonomous weapons.

In December 2013, the Government of Switzerland and ICRC organized a conference to celebrate the fifth anniversary of the Montreux Document on private military and security companies. The conference provided States with an opportunity to take stock of the progress made in terms of regulation, to identify challenges in the national implementation of the Document and to look at ways to promote its wider endorsement. The participants also expressed interest in institutionalizing the dialogue among signatory States through a Montreux Document participants' forum.

ICRC continued to work to provide national authorities with legal advice and technical assistance for the adoption of legislative, regulatory and practical measures needed to ensure full implementation of international humanitarian law in domestic law and practice. In particular, ICRC continued over the past two years to support the adherence to and implementation of the 1949 Geneva Conventions, their Additional Protocols of 1977 and 2005, and various other international humanitarian law instruments.

ICRC welcomes the accession of the State of Palestine and South Sudan, in the period under review, to the four Geneva Conventions and Additional Protocol I (1977), as well as the accession of South Sudan to Additional Protocol II (1977). Additional Protocol III (2005) was adhered to by the following countries: Kenya, Nauru, New Zealand, Portugal, South Sudan, Suriname and Uruguay.

ICRC would also like to underline that Kuwait, Malawi, Saint Vincent and the Grenadines and Saint Kitts and Nevis recently accepted the competence of the International Humanitarian Fact-Finding Commission. ICRC similarly stresses national implementation measures of international humanitarian law taken in at least 33 States on a number of topics, such as weapons, missing persons, torture and repression of international crimes, including war crimes.

ICRC has modernized its public database on national implementation of international humanitarian law. The database contains up-to-date information on the national legislation and case law of 194 countries, and offers States' authorities and other interested actors a research tool to share best practices and to facilitate the fulfilment of their obligations under international humanitarian law.

ICRC published the report of the third universal meeting of National Committees for the implementation of international humanitarian law, entitled *Preventing and Repressing International Crimes: Towards an "Integrated" Approach Based on Domestic Practice* (February 2014), which includes discussions on various means and solutions available for meeting the challenges associated with bringing domestic legislation and practice into line with the requirements under international humanitarian law, and offers a pragmatic approach to the prevention and suppression of international crimes.

Annex

List of States parties to the Additional Protocols of 1977 to the Geneva Conventions of 1949 as at 2 June 2014[a]

State	*Date of ratification, accession or succession*
Afghanistan	10 November 2009
Albania	16 July 1993
Algeria[b,c]	16 August 1989
Angola (Protocol I only)[b]	20 September 1984
Antigua and Barbuda	6 October 1986
Argentina[b,c]	26 November 1986
Armenia	7 June 1993
Australia[b,c]	21 June 1991
Austria[b,c]	13 August 1982
Bahamas	10 April 1980
Bahrain	30 October 1986
Bangladesh	8 September 1980
Barbados	19 February 1990
Belarus[c]	23 October 1989
Belgium[b,c]	20 May 1986
Belize	29 June 1984
Benin	28 May 1986
Bolivia (Plurinational State of)[c]	8 December 1983
Bosnia and Herzegovina[c]	31 December 1992
Botswana	23 May 1979
Brazil[c]	5 May 1992
Brunei Darussalam	14 October 1991
Bulgaria[c]	26 September 1989
Burkina Faso[c]	20 October 1987
Burundi	10 June 1993

State	*Date of ratification, accession or succession*
Cambodia	14 January 1998
Cameroon	16 March 1984
Canada[b,c]	20 November 1990
Cabo Verde[c]	16 March 1995
Central African Republic	17 July 1984
Chad	17 January 1997
Chile[c]	24 April 1991
China[b]	14 September 1983
Colombia (Protocol I)[c]	1 September 1993
(Protocol II)	14 August 1995
Comoros	21 November 1985
Congo	10 November 1983
Cook Islands[c]	7 May 2002
Costa Rica[c]	15 December 1983
Côte d'Ivoire	20 September 1989
Croatia[c]	11 May 1992
Cuba (Protocol I)	25 November 1982
(Protocol II)	23 June 1999
Cyprus (Protocol I)[c]	1 June 1979
(Protocol II)	18 March 1996
Czech Republic[c]	5 February 1993
Democratic People's Republic of Korea (Protocol I only)	9 March 1988
Democratic Republic of the Congo (Protocol I)[c]	3 June 1982
(Protocol II)	12 December 2002
Denmark[b,c]	17 June 1982
Djibouti	8 April 1991
Dominica	25 April 1996
Dominican Republic	26 May 1994

State	*Date of ratification, accession or succession*
Ecuador	10 April 1979
Egypt[b]	9 October 1992
El Salvador	23 November 1978
Equatorial Guinea	24 July 1986
Estonia[c]	18 January 1993
Ethiopia	8 April 1994
Fiji	30 July 2008
Finland[b,c]	7 August 1980
France (Protocol I)[b]	11 April 2001
(Protocol II)[b]	24 February 1984
Gabon	8 April 1980
Gambia	12 January 1989
Georgia	14 September 1993
Germany[b,c]	14 February 1991
Ghana	28 February 1978
Greece (Protocol I)[c]	31 March 1989
(Protocol II)	15 February 1993
Grenada	23 September 1998
Guatemala	19 October 1987
Guinea[c]	11 July 1984
Guinea-Bissau	21 October 1986
Guyana	18 January 1988
Haiti	20 December 2006
Holy See[b]	21 November 1985
Honduras	16 February 1995
Hungary[c]	12 April 1989
Iceland[b,c]	10 April 1987
Iraq (Protocol I only)	1 April 2010

State	Date of ratification, accession or succession
Ireland[b,c]	19 May 1999
Italy[b,c]	27 February 1986
Jamaica	29 July 1986
Japan[b,c]	31 August 2004
Jordan	1 May 1979
Kazakhstan	5 May 1992
Kenya	23 February 1999
Kuwait[c]	17 January 1985
Kyrgyzstan	18 September 1992
Lao People's Democratic Republic[c]	18 November 1980
Latvia	24 December 1991
Lebanon	23 July 1997
Lesotho[c]	20 May 1994
Liberia	30 June 1988
Libya	7 June 1978
Liechtenstein[b,c]	10 August 1989
Lithuania[c]	13 July 2000
Luxembourg[c]	29 August 1989
Madagascar[c]	8 May 1992
Malawi[c]	7 October 1991
Maldives	3 September 1991
Mali[c]	8 February 1989
Malta[b,c]	17 April 1989
Morocco	3 June 2011
Mauritania	14 March 1980
Mauritius[b]	22 March 1982
Mexico (Protocol I only)	10 March 1983
Micronesia (Federated States of)	19 September 1995

State	*Date of ratification, accession or succession*
Monaco[c]	7 January 2000
Mongolia[b,c]	6 December 1995
Montenegro[c]	2 August 2006
Mozambique (Protocol I)	14 March 1983
(Protocol II)	12 November 2002
Namibia[c]	17 June 1994
Nauru	27 June 2006
Netherlands[b,c]	26 June 1987
New Zealand[b,c]	8 February 1988
Nicaragua	19 July 1999
Niger	8 June 1979
Nigeria	10 October 1988
Norway[c]	14 December 1981
Oman[b]	29 March 1984
Palau	25 June 1996
Panama[c]	18 September 1995
Paraguay[c]	30 November 1990
Peru	14 July 1989
Philippines (Protocol I)[b]	30 March 2012
(Protocol II)	11 December 1986
Poland[c]	23 October 1991
Portugal[c]	27 May 1992
Qatar (Protocol I)[b,c]	5 April 1988
(Protocol II)	5 January 2005
Republic of Korea[b,c]	15 January 1982
Republic of Moldova	24 May 1993
Romania[c]	21 June 1990
Russian Federation[b,c]	29 September 1989

State	*Date of ratification, accession or succession*
Rwanda[c]	19 November 1984
Saint Kitts and Nevis[c]	14 February 1986
Saint Lucia	7 October 1982
Saint Vincent and the Grenadines[c]	8 April 1983
Samoa	23 August 1984
San Marino	5 April 1994
Sao Tome and Principe	5 July 1996
Saudi Arabia (Protocol I)[b]	21 August 1987
(Protocol II)	28 November 2001
Senegal	7 May 1985
Serbia[c]	16 October 2001
Seychelles[c]	8 November 1984
Sierra Leone	21 October 1986
Slovakia[c]	2 April 1993
Slovenia[c]	26 March 1992
Solomon Islands	19 September 1988
South Africa	21 November 1995
South Sudan	25 January 2013
Spain[b,c]	21 April 1989
State of Palestine (Protocol I only)	2 April 2014
Sudan (Protocol I)	7 March 2006
(Protocol II)	13 July 2006
Suriname	16 December 1985
Swaziland	2 November 1995
Sweden[b,c]	31 August 1979
Switzerland[c]	17 February 1982
Syrian Arab Republic (Protocol I only)[b]	14 November 1983
Tajikistan[c]	13 January 1993

State	*Date of ratification, accession or succession*
The former Yugoslav Republic of Macedonia[b,c]	1 September 1993
Timor-Leste	12 April 2005
Togo[c]	21 June 1984
Tonga[c]	20 January 2003
Trinidad and Tobago[c]	20 July 2001
Tunisia	9 August 1979
Turkmenistan	10 April 1992
Uganda	13 March 1991
Ukraine[c]	25 January 1990
United Arab Emirates[b,c]	9 March 1983
United Kingdom of Great Britain and Northern Ireland[b,c]	28 January 1998
United Republic of Tanzania	15 February 1983
Uruguay[c]	13 December 1985
Uzbekistan	8 October 1993
Vanuatu	28 February 1985
Venezuela (Bolivarian Republic of)	23 July 1998
Viet Nam (Protocol I only)	19 October 1981
Yemen	17 April 1990
Zambia	4 May 1995
Zimbabwe	19 October 1992

[a] The list was provided by Switzerland as Depository of the Geneva Conventions and Additional Protocols. Information was taken from the website of the Swiss Federal Department of Foreign Affairs (www.dfae.admin.ch/depositaire).

[b] Ratification, accession or succession accompanied by a reservation and/or a declaration.

[c] Party which has made the declaration provided for under article 90 of Protocol I.